

**LYNCHBURG CITY COUNCIL  
Agenda Item Summary**

MEETING DATE: **January 11, 2005**

AGENDA ITEM NO.: 16

CONSENT:

REGULAR: **X**

CLOSED SESSION:  
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Street Dedication Request – Extension of Palmer Drive**

RECOMMENDATION: Approval of resolution to approve the street dedication request

SUMMARY: Donald C. Rapp, Inc., a Virginia Corporation, represented by Thomas C. Brooks, Sr., Acres of Virginia, Inc., is requesting to dedicate 0.907 acres for right-of-way for the proposed extension of Palmer Drive, an existing public street off Grove Road. The proposed street would extend Palmer Drive, with fifty (50) feet of right-of-way, in a northwesterly direction for approximately 730 feet to its terminus in a cul-de-sac.

PRIOR ACTION(S):

December 22, 2004: Planning Division recommended approval  
Planning Commission recommended approval (6-0 with 1 absent)

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn/455-3902  
Tom Martin / 455-3909  
Annette Chenault / 455-3894

ATTACHMENT(S):

- Resolution
- PC Report
- PC minutes
- **Vicinity Map This attachment may be viewed in the office of the City Planner, 2<sup>nd</sup> Floor City Hall, 900 Church Street, Lynchburg VA**

REVIEWED BY: lkp

## RESOLUTION

A RESOLUTION APPROVING THE DEDICATION 0.907 ACRES FOR RIGHT-OF-WAY FOR THE PROPOSED EXTENSION OF PALMER DRIVE, AN EXISTING PUBLIC STREET OFF GROVE ROAD.

BE IT RESOLVED OF THE COUNCIL OF THE CITY OF LYNCHBURG That the petition of Donald C. Rapp, Inc., a Virginia Corporation, to dedicate 0.907 acres for right-of-way for the proposed extension of Palmer Drive, which proposed street would extend Palmer Drive, fifty (50) feet in a northwesterly direction for approximately 730 feet to its terminus in a cul-de-sac, be and the same is hereby approved and accepted, contingent upon obtaining construction bonds and the recordation of an executed subdivision plat.

Adopted:

Certified:

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Clerk of Council

007L

The Department of Community Planning & Development  
City Hall, Lynchburg, VA 24504 434-455-3900

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**To:** Planning Commission

**From:** Planning Division

**Date:** December 22, 2004

**Re: STREET DEDICATION REQUEST – EXTENSION OF PALMER DRIVE**

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**I. PETITIONER**

Donald C. Rapp, Inc., a Virginia Corporation, 1820 Old Forest Road, Lynchburg, VA 24501

**Representative:** Mr. Thomas C. Brooks, Sr., Acres of Virginia, Inc., 404 Clay Street, Lynchburg, VA 24504

**II. LOCATION**

The subject property consists of 12 proposed new lots containing 4.913 acres located at the end of the existing Palmer Drive, off Grove Road.

**Property Owner:** Donald C. Rapp, Inc., a Virginia Corporation, 1820 Old Forest Road, Lynchburg, VA 24501

**III. PURPOSE**

The purpose of the petition is to dedicate 0.907 acres for right-of-way for the proposed public street extension of Palmer Drive, an existing public street off Grove Road in order to develop the property into 12 new single-family lots.

**IV. SUMMARY**

- Petition agrees with the Subdivision Ordinance requirements for subdividing the property according to the existing R-1, Low Density, Single-Family Residential District zoning.
- Petition agrees with the Zoning Ordinance requirements for the street frontage extension and lot sizes.

**The Planning Division recommends approval of the public street extension request.**

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**V. FINDINGS OF FACT**

1. **Background.** Donald C. Rapp, Inc., a Virginia Corporation, represented by Thomas C. Brooks, Sr., Acres of Virginia, Inc., is requesting to dedicate an extension of Palmer Drive, an existing public street off Grove Road. The proposed street would extend Palmer Drive, with fifty (50) feet of right-of-way, in a northwesterly direction for approximately 730 feet to its terminus in a cul-de-sac.  
  
The extension of Palmer Drive would serve 12 new lots for low density, single-family residential development.
2. **Zoning.** The existing R-1, Low Density, Single-Family Residential District zoning was established in 1978 with the adoption of the current Zoning Ordinance.
3. **Waivers.** No waivers from the Subdivision Ordinance will be needed for the subdivision and street dedication request.
4. **Proposed Use of Property.** The purpose of the subdivision and street dedication is to create 12 new lots for low density, single-family residential development.
5. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed a proposed plat showing 18 lots and dedication of the Palmer Drive street extension on March 23. This proposal required a Conditional Use Permit (CUP) to allow a planned unit development in the R-1, Single-Family Residential District. City Council denied the CUP request on July 13. The lots for the new proposed subdivision are laid out according to the R-1 District regulations. The TRC had the following comments of significance to the consideration of the requested subdivision and street extension:

- “Curb and gutter will be required for this project.”
- “The City would like a water line easement to the street along Lot 18 (now Lot 12).”
- “Submit road, water and sewer plans to the Engineering Division. The subdivision plat will not be signed until road, water and sewer plans have been finalized.”
- “The minimum lot width is 100.’ Lots 9 and 10 indicate less.”
- “The minimum lot width at the building line is 100.’ Verify that the lots meet this requirement.”
- “Two of the lots show an encroachment of buildings. Are these buildings to remain? If so, will easements be granted?”

## **VI. PLANNING DIVISION RECOMMENDED MOTION**

Based on the proceeding findings of fact, the Planning Commission recommends to City Council approval of the dedication of the public street extension of Palmer Drive, with fifty feet of right-of-way, approximately 730 feet in length, to be constructed in substantial compliance with the plat by Acres of Virginia, Inc., dated Revised November 3, 2004. The dedication of the extension of Palmer Drive and its acceptance as a public street is contingent on Donald C. Rapp, Inc., a Virginia Corporation filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance with City standards. The failure to fully comply with these conditions shall render the City’s acceptance of the extension of Palmer Drive as a public street null and void.

This matter is respectfully offered for your consideration.

William T. Martin, AICP  
City Planner

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Ms. Rachel O. Flynn, Director of Community Planning & Development  
Mr. Bruce A. McNabb, Director of Public Works  
Mr. R. Douglas DeJarnette, Fire Marshal  
Mr. J. Lee Newland, Director of Engineering  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Robert Drane, Building Commissioner  
Mr. Robert S. Fowler, Zoning Official  
Mr. Thomas C. Brooks, Sr., Representative

## **VII. ATTACHMENTS**

- 1. Plat Showing Lots 1-12, Section 2, Palmer Woods**  
(see attached plat by Acres of Virginia, Inc., dated “Revised November 3, 2004”)

MINUTES FROM THE DECEMBER 22, 2004 PLANNING COMMISSION MEETING

These minutes have been reviewed by, but not approved by the Planning Commission

The purpose of this petition is to dedicate 0.907 acres for right-of-way for the proposed public street extension of Palmer Drive, an existing public street off Grove Road in order to develop the property into 12 new single-family lots.

Mr. Martin explained that this was the same property that the Planning Commission looked at several months prior to this meeting for a Planned Unit Development, which was ultimately denied by the City Council. He said they were coming back to develop the site in accordance with the Zoning and Subdivision Ordinance.

Mr. Thomas C. Brooks, Sr., Acres of Virginia, represented this petition stating that they were asking the street to be dedicated for the twelve lots for this subdivision.

Chair Dahlgren said comments from the Technical Review Committee stated that some of the lots were less than the required 100 feet.

Mr. Brooks said the lots met the standards for lot size, and all lots were over 100 feet. He added that the buildings encroaching on the property would be removed.

After discussion Commissioner Worthington made the following motion, which was seconded by Commissioner Flint and passed by the following vote:

"That the Planning Commission recommends to City Council approval of the dedication of the public street extension of Palmer Drive, with fifty feet of right-of-way, approximately 730 feet in length, to be constructed in substantial compliance with the plat by Acres of Virginia, Inc., dated Revised November 3, 2004. The dedication of the extension of Palmer Drive and its acceptance as a public street is contingent on Donald C. Rapp, Inc., a Virginia Corporation filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the street in accordance with City standards. The failure to fully comply with these conditions shall render the City's acceptance of the extension of Palmer Drive as a public street null and void."

AYES:	Bacon, Dahlgren, Echols, Flint, Hamilton, Worthington	6
NOES:		0
ABSTENTIONS:		0

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